

REMARKS

In the application claims 40-61 remain pending. Claims 1-39 have been canceled without prejudice. Claims 40-61, which have been added by amendment, find support in the specification, claims, and figures as originally filed. No new matter has been added. Accordingly, the entry of the amendments into the record of the subject application for patent is respectfully requested.

In the Office Action of September 20, 2004, previously pending claims 10-14 and 16-39 were rejected as being anticipated by or rendered obvious primarily by Schultheiss (U.S. Patent No. 6,208,384). The reconsideration of the rejection of the claims is, however, respectfully requested since it is believed that new claims 40-61 are allowable over the disclosure, teachings, and suggestions set forth in Schultheiss, whether considered alone or in combination with any other cited reference.

Concerning the outstanding rejection of the claims, it is respectfully submitted that a rejection under Section 102 or Section 103 requires that a single reference, or a combination of references, disclose each and every element set forth in the claims, considering each and every word. Since Schultheiss, alone or in combination with any other cited reference, cannot be said to disclose, teach, or suggest each and every element, considering each and every word, of the now pending claims, it is respectfully submitted that the rejection of the claims must be withdrawn.

The pending claims are directed to a method or readable-media which sets forth using previously provided user specified preferences to automatically obtain and transfer digitally encoded audiovisual or audio content from a wide area network to a computer and causing a television or audio playback device in communication with the computer

via a wireless data transceiver to play a representation of the digitally encoded audiovisual or audio content. The play of the representation of the digitally encoded audiovisual or audio content may further occur at a predetermined time based on the user specified preferences. The play of the representation of the digitally encoded audiovisual or audio content may further be manipulated from a portable electronic device.

Turning now to Schultheiss, Schultheiss discloses a system in which “information which is intended for a television may be downloaded into a personal computer via an external network interface and transmitted to the television using a low power television transmitter.” (Col. 2, lines 9-13). Schultheiss also discloses that the information may be “a conventional television program which is obtained from cable interface 18a or satellite interface 18c, or may be internet data from internet interface 18b.” (Col. 5, lines 11-14).

With respect to the “conventional television program,” Schultheiss does not disclose, teach, or suggest that this particular type of audiovisual information is automatically obtained and transferred to the computer using previously provided user specified preferences, as set forth in the claims. Rather, Schultheiss discloses the antithesis of the claim steps by describing that currently airing audiovisual content is played when a user manually interacts with the remote control to thereby tune the television to a user selected broadcast program. (Col. 6, lines 32-40).

With respect to the “internet data obtained from the internet,” Schultheiss similarly fails to disclose, teach, or suggest that this particular type of information, which is described as being in the form of a textual/graphical, or *non-audiovisual*, EPG, is automatically obtained and transferred to the computer using previously provided user specified preferences, as set forth in the claims. Rather, Schultheiss discloses that the

EPG is downloaded into the computer and, after the EPG is downloaded, the viewer is capable of using his preferences to delete particular channels or subject matter in which there is no interest to thereby customize the listings to the viewer's particular requirements. (Col. 8, lines 60-67).

Thus, based upon the full and fair reading of Schultheiss, it is evident that Schultheiss (alone or in combination with any other cited reference) does not disclose, teach, or suggest each and every element, considering each and every word, of the claims now presented. For at least this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

The subject application is considered to be in condition for allowance. Such action on the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fee is due, the Commissioner is hereby authorized to charge any fee deficiency to deposit account number 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted

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